

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:08CV615-MU-02

**THIS MATTER** comes before the Court on Petitioner's "Objections To The Recommendation Of The U.S. Magistrate Judge," filed January 21, 2009 (document # 7).

Petitioner filed a § 2254 Petition on October 23, 2006 in the United States District Court for the Eastern District of North Carolina. That matter was transferred to this Court's docket on December 31, 2008. Upon this Court's review of that pleading, Petitioner's case was dismissed as time-barred. By his so-called Objections, Petitioner essentially seeks reconsideration on the grounds that his Petition raised substantial constitutional violations, he was not able to secure any legal assistance in timely filing his Petition and had to rely upon extraneous matters in preparing that Petition, he works on a prison detail which requires State-wide travel, and he diligently sought to comply with

the rules.

Notwithstanding his apparent sincerity, the Court finds that Petitioner's assertions do not present any matter which causes the Court to disturb its earlier determination that his Petition was untimely filed. Therefore, this de facto motion for reconsid-  
eration is **DENIED**.

**SO ORDERED.**

Signed: October 9, 2009



Graham C. Mullen  
United States District Judge

